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were unanimously of opinion that he was guilty, should still be maintained; but in civil causes his Lordship thought a verdict might be given either by a majority, or a certain number of the jurymen. He should submit some such measure to the legislature, and he thought the change would be an improvement in the administration of the law. As the jury were not agreed, this trial would go for nothing, and the question would be submitted to another jury, who, it was to be hoped, would agree upon a verdict which would be satisfactory.—*London Examiner.*

SLANDER—INTERPRETATION OF SLANG—QUERY, WHETHER “BLACK-LEG” IS ENGLISH OR SLANG. *Barnett vs. Allen*, 3 H. & N., 376.

The above case may be referred to as affording an example of the difference of opinion, which sometimes strangely occurs in our courts, upon what seems a very simple matter. The action was brought for the following words of slander, spoken by defendant: “I am surprised Mr. Reynolds should allow a blackleg” (meaning the plaintiff) “in this room,” (meaning that the plaintiff obtained his living by dishonest gambling, and was a professed gamester, and a fraudulent gamester.) A witness was asked what he understood by the term “blackleg.” The question was objected to, but allowed; and the reply was to the effect that it involved the charge of cheating in the process of card-playing. Pollock, C B., said, that the meaning of the word was well enough known by the public, and it required no expert to explain it. It signified, said the learned judge, “a person who gets his living by frequenting race-courses, and places where games of chance are played, getting the best odds and giving the least he can, *but not necessarily cheating*. That is not indictable either by statute or at common law.” Watson, B., agreed in the main with the Chief Baron. Martin, B. and Bramwell, B., however, put the point so clearly and conclusively, that as room was made for variance in the apprehension of such a question, it is well to note their remarks thereon. “I regret,” said

the former learned judge, "that any difference should exist in the court on so trifling a matter. I always understood the rule to be, that words are actionable, if they impute to the person of whom they are spoken an indictable offence, either on a particular occasion or habitually. By the Stat. 8 and 9 Vict., c. 109, cheating at cards is indictable, and the question is, did or did not the defendant use the word with the intention of conveying to the minds of the persons present the imputation that the plaintiff had habitually by fraud and malpractice won money. I should so have understood them, and that such was the defendant's meaning was proved by the evidence. The witness who was called said he considered the word 'blackleg' to mean a person who plays at cards and cheats; it was therefore a question for the jury, whether the defendant meant to impute to the plaintiff, that he had been guilty of an offence for which he was liable to be indicted under the statute."

Bramwell, B., agreed in this construction of the term. "A person," said the learned judge, "is responsible for the natural meaning of words uttered by him. If a word is properly an English word, the judge must interpret it. If it be slang, witnesses may be called to show in what sense it is understood. I doubt whether the word 'blackleg' is English, or whether it is slang. If it is English, then I understand it as my brother Martin does; if it is slang, an interpretation has been put upon it by the evidence. I do not agree with the Lord C. B. in thinking that there was no evidence of its meaning. If it is English the innuendo was unnecessary—if it is slang that innuendo was proved; that is, the defendant uttered language charging the plaintiff with being a fraudulent gamester. I entertained some little doubt whether, to constitute a cause of action, it was not necessary that the charge should be specific; but, on referring to Comyn's Digest, action on the case for defamation, D. 4, I find that it is actionable if the defendant charge the plaintiff 'with felony generally, as, 'he is a thief.''"